



Serial No.: 10/631,146
Art Unit: 3736

DAC
JRW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Connell Reynolds

Confirmation No.: 2245

Serial No.: 10/631,146

Group Art Unit: 3736

Filed: 07/31/03

Examiner: TBA

For: Systems and Methods for Locating Blood Vessels

Docket No. 61807-1020

RENEWED PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. §119(e) OF PRIOR FILED PROVISIONAL APPLICATION (37 C.F.R. §1.78(a)(6))

Mail Stop: Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

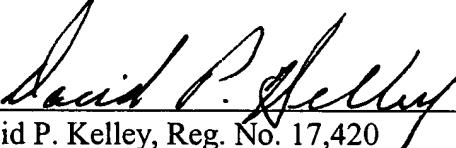
Sir:

Applicant hereby submits this Renewed Petition to Claim Priority of a Prior filed Provisional Application under 37 C.F.R. §1.78(a)(6).

Applicant submits a revised Preliminary Amendment taking out the language of incorporation.

Applicant also a copy of the original Petition if it is necessary. Applicant respectfully requests that this Petition be granted. If further fees are required, the Commissioner is authorized to charge Deposit Account 20-0778. If there are any questions regarding the enclosed documents, the Examiner is requested to telephone the undersigned attorney.

Respectfully submitted,



David P. Kelley, Reg. No. 17,420

THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.
Suite 1750
100 Galleria Parkway N.W.
Atlanta, Georgia 30339
(770) 933-9500



Practitioner's Ket No. 061807-1020

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Connell Reynolds

Application No.: 10/ 631,146 Group No.: 3736
Filed: 07-31-03 Examiner: TBA

For: Systems and Methods for Locating Blood Vessels

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

**PETITION TO CLAIM BENEFIT UNDER 35 U.S.C. 119(e)
OF PRIOR FILED PROVISIONAL APPLICATION
(37 C.F.R. 1.78(a)(6))**

NOTE: 37 C.F.R. 1.78(a): "(f) Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed provisional applications must contain or be amended to contain a reference to each such prior-filed provisional application, identifying it by the provisional application number (consisting of series code and serial number).

(ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed provisional application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed provisional application. These time periods are not extendable. Except as provided in paragraph (a)(6) of this section, the failure to timely submit the reference is considered a waiver of any benefit under 35 U.S.C. 119(e) to such prior-filed provisional application. The time periods in this paragraph do not apply if the later-filed application is:

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*
(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 *

with sufficient postage as first class mail. as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____

Date: 7-13-04

Signature

Sami O. Malas

Sami O. Malas

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(A) An application filed under 35 U.S.C. 111(a) before November 29, 2000; or

(B) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.

(iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§ 1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title.

• • •
(6) If the reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(5)(ii) of this section, the claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application may be accepted during the pendency of the later-filed application if the reference identifying the prior-filed application by provisional application number was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 119(e) for the benefit of a prior-filed provisional application must be accompanied by:

(i) The reference required by 35 U.S.C. 119(e) and paragraph (a)(5) of this section to the prior-filed provisional application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(t); and

(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(5)(ii) of this section and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional."

1. Applicant hereby petitions, in accordance with § 1.78(a)(6), to claim the benefit, for this application under 35 U.S.C. 119(e) of prior provisional application(s):

Provisional application No: 60/399,982 filed 07/31/2002

2. Applicant states that the entire delay between the date the claim for the benefit of the earlier application was due under paragraph (a)(5)(i) of 37 C.F.R. § 1.78 and the date this claim is filed was unintentional.

3. The surcharge fee set forth in § 1.17(t), required by 37 C.F.R. 1.78(a)(6)(ii), is paid as follows:

Attached is a check money order in the amount of \$1,300.00

Authorization is hereby made to charge the amount of \$1,300.00

to Deposit Account No.

to Credit card as shown on the attached credit card information authorization form PTO-2038

WARNING: Credit card information should not be included on this form as it may become public.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Sami O. Malas

SIGNATURE OF PRACTITIONER

Reg. No. 44,893

Sami O. Malas

(type or print name of practitioner)

Tel. No.: (770) 933-9500

Thomas, Kayden, Horstemeyer & Risley, LLP
100 Galleria Parkway, NW, Suite 1750
Atlanta, GA 30339

Customer No.: 24504